

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of **Victor**

Local Law No. 5 of the year 2024

A local law IMPOSING A SIX-MONTH MORATORIUM ON THE REVIEW, APPROVAL,
(Insert Title)
PERMITTING, AND CONSTRUCTION OF LARGE-SCALE SOLAR ENERGY SYSTEMS

IN THE TOWN OF VICTOR

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Victor

as follows:

LOCAL LAW IMPOSING A SIX-MONTH MORATORIUM ON THE REVIEW, APPROVAL, PERMITTING, AND
CONSTRUCTION OF LARGE-SCALE SOLAR ENERGY SYSTEMS
IN THE TOWN OF VICTOR

SECTION ONE. Title and Authority.

A. Title. This Local Law shall be known and titled as "Local Law Imposing a Six-Month Moratorium on the Review, Approval, Permitting, and Construction of Large-Scale Solar Energy Systems in the Town of Victor.

B. Authority. This local law is adopted pursuant to the provisions of the New York Municipal Home Rule Law, Sections 10, 11, 12, and 14, New York Statute of Local Government, Section 10(6), New York State Constitution Article IX, Section 2(c)(ii)(6), (10), New York Statute of Local Governments, Section 10(1), (6), and (7), New York Town Law, Sections 64(17-a), 130(3) and (15), 135, and Article 16 inclusive.

SECTION TWO. Purpose and Intent. The purpose of this Local Law is to protect the public health, safety and welfare of the residents of the Town of Victor and to maintain the status quo as to large scale solar energy systems while the Town of Victor Town Board re-examines and proposes to make specific changes to its existing

(If additional space is needed, attach pages the same size as this sheet, and number each.)

regulations of Chapter 103 of the Victor Town Code to ensure a comprehensive, thorough and reasonable set of requirements are in place for this type of use in the Town of Victor. The moratorium will stop the processing of applications for, and the issuance of any permits and approvals for large-scale solar energy systems to allow time for such careful consideration. The moratorium is for a period of six (6) months, allowing the Town Board to analyze and determine potential appropriate revisions and amendments to Chapter 103 of the Victor Town Code concerning this use.

SECTION THREE. Definition.

The term "Large Scale Solar Energy System" shall mean any ground-mounted solar photovoltaic system that has a system capacity greater than 25 kilowatts (kW) but less than 25 megawatts (MW), and/or generates more than 110% of kilowatt-hours (kWh) of electricity consumed over previous twelve-month period by land use(s) existing on the lot or parcel of land where system is located.

This definition does not include photovoltaic panels that are mounted on or affixed to residential dwellings for their use, or municipal buildings, or existing panels mounted on commercial or industrial buildings. The definition also excludes solar photovoltaic systems subject to Executive Law Section 94-c review pursuant to the Accelerated Renewable Energy Grown and Community Benefit Act.

SECTION FOUR. Moratorium.

A. Declaration of Moratorium. For a period of time of six (6) months following the effective date of the adoption of this Local Law no applications may be processed, and no permits, approvals, denials, determinations or interpretations may be issued or granted for any land uses relating to large-scale solar energy systems.

Not included within the scope of this moratorium are solar energy facilities designed to generate electric power solely for the use of the improvements located on the same property.

This Local Law shall be binding on the Town Board, Planning Board, Zoning Board of Appeals, Building Inspector, all Town officials and employees, and any applicant or real property owner in the Town desiring to apply for or receive a permit, certificate of occupancy or approval in the Town of Victor. During the period of the moratorium, the Town Board shall endeavor to complete all reasonable and necessary review, study, analysis and, if warranted, revisions to the Town of Victor Code. During the period of the moratorium, no applications will be accepted, nor permits, certificates of occupancy or approvals issued, which would authorize development within the Town for land uses relating to solar energy as described above.

B. Scope of Moratorium. This moratorium shall apply to all lands located within the Town of Victor and shall specifically apply in each and every zoning district therein.

C. Term of Moratorium. This moratorium shall be in effect for a period of six (6) consecutive months from the effective date of this local law.

SECTION FIVE. Variances and Waivers. Due to the limited scope and duration of this moratorium, there is no provision being made in this local law for variances or waivers. However, the Town Board may, but is not obligated to, promulgate regulations by resolution of the Town Board authorizing a hardship waiver process.

SECTION SIX. Severability. If any portion of this Local Law shall be deemed by a court of competent jurisdiction to be invalid, illegal, or unenforceable, the remainder of this Local Law shall remain in full force and effect to the extent practicable.

SECTION SEVEN. Effective Date. This Local Law shall be effective immediately upon its filing with the New York State Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 2024 of the (County)(City)(Town)(Village) of Victor was duly passed by the Town Board on April 22, 2024, in accordance with the applicable (Name of Legislative Body) provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 ____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 ____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 ____ (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20 ____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 ____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 ____ (Elective Chief Executive Officer*) Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 ____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph , 1 above.

Daren C. Bodine/KAR

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 4/26/24

(Seal)